

EXHIBIT F

In The Matter Of:
DR. KAMIAR ALAEI v.
STATE UNIVERSITY OF NEW YORK, et al.

DR. KEVIN WILLIAMS
January 13, 2021

COVERING ALL UPSTATE NEW YORK

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DR. KEVIN WILLIAMS

1

1 STATE OF NEW YORK

2 COURT OF CLAIMS

3 -----:

4 In the Matter of the Claim by

5 DR. KAMIAR ALAEI,

6 Claimant,

7
8 - Against -

Claim Number:

9 132554

10 STATE UNIVERSITY OF NEW YORK,

11 STATE UNIVERSITY OF NEW YORK AT ALBANY,

12 and THE STATE OF NEW YORK,

13 Respondents.

14 -----:

15 DEPOSITION of: DR. KEVIN WILLIAMS

16 (Respondent Agent)

17
18 Wednesday, January 13, 2021

19 1:37 p.m. - 2:40 p.m.

20
21
22 HELD: Via Zoom Video Conferencing

23
24 Reported by: Deborah M. McByrne

DR. KEVIN WILLIAMS

2

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2
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19
20
21 ALSO PRESENT:

22 Dr. Kamiar Alaei, Claimant

DR. KEVIN WILLIAMS

3

1 S T I P U L A T I O N S

2
3 IT IS HEREBY STIPULATED, by and between the
4 attorneys hereto, that:

5 All rights provided by the C.P.L.R, and
6 Part 221 of the Uniform Rules for the Conduct of
7 Depositions, including the right to object to any
8 question, except as to form, or to move to strike
9 any testimony at this examination is reserved; and
10 in addition, the failure to object to any question
or to move to strike any testimony at this
examination shall not be a bar or waiver to make
such motion at, and is reserved to, the trial of
this action.

11 This deposition may be sworn to by the
12 witness being examined before a Notary Public other
13 than the Notary Public before whom this examination
14 was begun, but the failure to do so or to return the
original of this deposition to counsel, shall not be
15 deemed a waiver of the rights provided by Rule 3116
of the C.P.L.R, and shall be controlled thereby.

16 The filing of the original of this
17 deposition is waived.

18 IT IS FURTHER STIPULATED, that a copy of
19 this examination shall be furnished to the attorney
for the witness being examined without charge.
20
21
22
23
24
25

DR. KEVIN WILLIAMS

4

1 DR. KEVIN WILLIAMS,
2 was called as a witness, and having been first
3 duly sworn, is examined and testified as
4 follows:

5 EXAMINATION BY

6 MR. CASTIGLIONE:

7 Q. Good afternoon, Mr. Williams. My name is
8 Joe Castiglione. I'm an attorney with the law firm
9 of Young/Sommer. We represent Kamiar
10 Alaei regarding claims involving the State of New
11 York and SUNY Albany concerning employment.

12 You're here today as a possible
13 witness to issues relevant to those claims. I'm
14 going to ask you some questions to try to probe what
15 information or knowledge you might have about the
16 situation.

17 Just so you're aware, your attorney
18 might interpose objections. Those are for the
19 record to preserve -- if the attorney objects to the
20 form of the question, you're still required to
21 answer the question when he makes an objection.
22 Just wait for him to make the objection and then you
23 could answer. Unless he directs you otherwise, you
24 need to answer the question still.

25 A. Okay.

DR. KEVIN WILLIAMS

5

1 Q. The stenographer is here to swear you in under oath,
2 to create a transcript of what we're talking about,
3 the questions and answers. Just so it's clear, let
4 me ask my question entirely first before you
5 respond, then you can answer, simply because she
6 can't type both of us talking at the same time.

7 Like I said, if an objection is made,
8 let the objection be made and then you can answer.
9 Everything is going to be on the record, meaning
10 it's going to be typed out, included as part of the
11 official transcript, unless the attorneys both agree
12 to go off the record.

13 If I ask a question, please respond to
14 the best of your ability. If you don't understand
15 the question or want me to rephrase it, I can
16 certainly do that. If you need to take a break at
17 any time, bathroom, get a glass of water, whatnot,
18 let us know. That's no problem.

19 If you need to talk to your counsel
20 about anything, that's fine. Let us know. But if I
21 pose a question, you have to respond to the question
22 first before we can go off the record and you talk
23 to your counsel.

24 Is there any reason that you won't be
25 able to accurately respond and truthfully respond to

DR. KEVIN WILLIAMS

6

1 the best of your ability today to questions that I'm
2 asking?

3 A. No.

4 Q. Okay. Can you, again, I'm sorry, state your name
5 for the record?

6 A. Kevin Williams.

7 Q. And Mr. Williams, did you review any documents in
8 advance for preparation of today's deposition?

9 A. No, I did not.

10 Q. And did you have any conversations with anyone in
11 advance for preparation today? And if they include
12 your attorney, you can tell me, but you don't have
13 to tell me the content of the conversation.

14 A. Yes, I had a conversation with the attorney.

15 Q. Okay. Can you identify -- Are you currently
16 employed?

17 A. Yes.

18 Q. What's your current employment position?

19 A. I'm the Vice Provost and Dean of the Graduate School
20 at the University at Albany and Professor of
21 Psychology, University at Albany.

22 Q. And how long have you held that position?

23 A. Since 2010.

24 Q. Okay. So you had this same position in 2018?

25 A. Correct. The professor position I've held since

DR. KEVIN WILLIAMS

7

1 1987, by the way.

2 Q. And can you explain to me your responsibilities as a
3 Vice Provost and Dean of the Graduate School and
4 your other --

5 A. I provide general leadership for the graduate
6 programs at the University, both strategic
7 decision-making and oversight of academic policies
8 and procedures, as well as program registrations and
9 development.

10 Q. Were those the same responsibilities that you had in
11 2018 as today?

12 A. Yes.

13 Q. I'm going to show you what's been previously marked
14 as Claimant's Exhibit A-1. The stenographer is
15 going to put it up on the screen and kind of slowly
16 scroll through the first two pages.

17 So let me ask you, sir: Are you
18 familiar -- Have you seen this document before, this
19 letter from SUNY, dated February 8, 2018?

20 A. I don't know. I don't recall seeing this exact
21 document.

22 Q. Are you aware of SUNY Albany undertaking an
23 investigation concerning Dr. Alaei in 2018?

24 A. Yes.

25 Q. Okay. Let me ask you first -- And just so it's

DR. KEVIN WILLIAMS

8

1 clear for the record, if I refer to SUNY A or SUNY
2 Albany, I'm referring to the State University of New
3 York at Albany; is that fair?

4 A. Yes, that's fair. It's technically University at
5 Albany.

6 Q. Or University at Albany.

7 A. That's fine. I got it. We're used to it.

8 Q. And if I refer to GIHHR, I'm referring to the Global
9 Institute on Health and Human Resources?

10 A. Yep.

11 Q. Okay. In your position and employment with SUNY
12 Albany in 2018, did you have any responsibility or
13 oversight as to GIHHR operations or activities?

14 A. Can you repeat the question?

15 Q. Sure. In 2018 -- so in your employment position in
16 2018, did you have any responsibilities or oversight
17 of GIHHR operations?

18 A. No.

19 Q. Did you work with Dr. Kamiar Alaei at any time in
20 2017 and 2018 concerning your employment activities?

21 A. I collaborated with Dr. Alaei on research activities
22 and grants, and I believe that was still going on or
23 I was still meeting with him in '17 and '18.

24 Q. So in other words, you worked together on your
25 respective interest in collaborating to get grants

DR. KEVIN WILLIAMS

9

1 for the programs you were working with at SUNY
2 Albany?

3 A. Correct, yes.

4 Q. As to the investigation by SUNY Albany concerning
5 Dr. Alaei in 2018, when did you first learn about
6 the investigation?

7 A. When -- can I call him Kamiar?

8 Q. Yes.

9 A. Kamiar received a message -- I'm not sure if it was
10 this letter or not. But when he received a notice,
11 he contacted me and asked for guidance or
12 clarification. And actually now that I think of it,
13 I'm sorry, I believe we talked when he got a message
14 asking him to report to HR. So it might have been
15 before this letter. I'm not sure. But Kamiar did
16 inform me that there was an issue going on.

17 Q. And did you ever learn about SUNY Albany's
18 underlying basis for conducting its investigation
19 regarding Dr. Alaei in 2018?

20 A. Yes.

21 Q. Okay. Can you explain to me what your understanding
22 was and when you, you know, first had that
23 understanding?

24 A. My understanding of the basis for this letter?

25 Q. Yes.

DR. KEVIN WILLIAMS

10

1 A. Okay. I don't know the exact dates, but I had a
2 conversation with the Provost. The Provost stopped
3 me and mentioned that there was an investigation
4 going on.

5 Q. And who was the Provost?

6 A. James Stellar.

7 Q. And did he share any other information with you at
8 that time about the investigation?

9 A. No, he did not.

10 Q. Did you participate or have any role in the
11 investigation between February 2018 and August 2018?

12 A. No.

13 Q. Did anybody conduct the -- strike that.

14 Did anybody -- strike that.

15 Are you aware of who was conducting
16 the investigation on behalf of SUNY Albany
17 concerning Dr. Alaei in 2018?

18 A. No, outside of the fact I knew HR was involved.

19 Q. Okay. Did anyone ever contact you to solicit any
20 information or input concerning the investigation?

21 A. No.

22 Q. Over the course of time, did you have any other
23 conversations with Provost Stellar about the
24 investigation concerning Dr. Alaei, other than what
25 you've just identified?

DR. KEVIN WILLIAMS

11

1 A. I believe I might have talked to him about -- at one
2 point after my conversation with Kamiar, who was
3 looking for clarification, I believe I had a
4 conversation asking if clarification was going to be
5 provided.

6 Q. And when you're saying "asking for clarification,"
7 what do you mean?

8 A. If I recall correct -- as best I remember, at the
9 time, Kamiar did not know why there was this
10 alternative assignment.

11 Q. And other than just what you just testified to, did
12 you have any other involvement or anybody else
13 solicit any information between February 2018 and
14 August 2018 from you concerning this investigation?

15 A. Can you repeat the question?

16 Q. Sure. Other than just what you explained, do you
17 recall having any -- you know what, strike that.
18 Strike that.

19 Can I show you -- or can I have you
20 look at, please, and the stenographer identify and
21 mark [Exhibit G-1](#)?

22 (Claimant [Exhibit G-1](#) is marked for
23 identification.)

24 A. Yep, I remember this e-mail now.

25 Q. Okay. Well, let me ask you firstly: Were you on

DR. KEVIN WILLIAMS

12

1 the Board of Directors for GIHHR in 2018?

2 A. You know, I'm not sure. I believe I was. I don't
3 know for sure.

4 Q. Do you recall receiving e-mails from SUNY Albany
5 personnel to the Board of GIHHR Board of Directors
6 during that time regarding the -- regarding the
7 direction of GIHHR?

8 A. Yes, and I clearly -- well, yes, I did.

9 Q. Okay. As to this [Exhibit G-1](#) -- and if I could
10 refer you to this e-mail dated February 14, 2018,
11 from an individual with the last name of
12 P-O-U-R-T-A-H-E-R, do you recall receiving this
13 e-mail?

14 A. Yes.

15 Q. Okay. In this e-mail at page 2, if you scroll down.
16 This e-mail refers to a meeting that occurred on a
17 Friday organized by leadership of the University to
18 discuss the leadership of GIHHR. Are you familiar
19 with the meeting that this student is referring to?

20 A. I have heard of the meeting. I did not attend it.

21 Q. Okay.

22 A. I was not invited to it.

23 Q. You were not invited?

24 A. No.

25 Q. If you scroll down, this main paragraph that starts

DR. KEVIN WILLIAMS

13

1 with "moreover," there's underlined parts that says,
2 in part: "Obviously, Dr. Alaei was not allowed in
3 the meeting. He was not able to defend himself,
4 vis-à-vis the accusations that were vaguely and
5 implicitly projected here and there."

6 Did you have any further discussions
7 with this student? And I believe it was a former
8 student?

9 A. It was a student, a graduate student, who --

10 Q. Graduate student?

11 A. Yes, I'm sorry. What was your question? Did it
12 have any --

13 Q. Sorry. Did you have any follow-up discussions with
14 this person regarding the issues they were raising
15 in this e-mail after you received the e-mail?

16 A. I do not recall. I probably acknowledged getting
17 the e-mail. And I, obviously, replied. But I don't
18 recall any subsequent.

19 Q. The language I just referred to, it says, in part:
20 "He was not able to defend himself" -- referring to
21 Dr. Alaei -- "vis-à-vis the accusations that were
22 vaguely and implicitly projected here and there."

23 Did any other attendees at that
24 meeting contact you or have discussions with you
25 sharing similar concerns?

DR. KEVIN WILLIAMS

14

1 A. I don't recall. I do -- I don't recall. I don't
2 know who attended that meeting, so I don't -- I
3 don't know if any --

4 Q. Okay.

5 A. -- particular attendees contacted me, but other
6 people certainly did.

7 Q. If you can scroll down to the end of this e-mail,
8 please.

9 Okay. The last paragraph, there's
10 some underlying language that says, in part: "One
11 could feel a very strong, yet implicit, cultural and
12 racial dynamic in place."

13 Did you have any discussions with
14 anybody else about issues being raised similar to
15 what this student was raising concerning that
16 meeting he was referring to in February, on a Friday
17 in 2018?

18 A. I'm not sure I follow the question.

19 Q. Sure. You know, this issue this student raises
20 about a strong, yet implicit cultural and racial
21 dynamic in place, did you have discussions with
22 anybody else about similar issues or similar issues
23 of concern being raised concerning that meeting?

24 A. About the meeting or about cultural and racial
25 dynamics?

DR. KEVIN WILLIAMS

15

1 Q. About the culture and racial dynamic allegations.

2 A. I do not recall anyone else -- I don't recall
3 conversations about that specific.

4 Q. After receiving this e-mail, did you communicate any
5 concerns -- or strike that.

6 After receiving this e-mail, did you
7 have any concerns regarding the meeting that
8 occurred and what was transpiring as to this alleged
9 investigation concerning Dr. Alaei?

10 A. Yes.

11 Q. What were your concerns?

12 A. I was concerned that the -- As I mentioned before, I
13 was concerned that Kamiar had not been informed
14 about what was going on or why he had been given an
15 alternative work assignment.

16 Q. Now, did you communicate -- strike that.

17 If you could scroll up to the
18 beginning of this e-mail, please, [Exhibit G-1](#).

19 Do you recognize the portion of this
20 e-mail chain, which is part of G-1? It looks like
21 it's an e-mail from you to James Stellar, dated
22 February 14, 2018?

23 A. Yes.

24 Q. Can you explain to me the purpose of sending this
25 e-mail to Mr. Stellar?

DR. KEVIN WILLIAMS

16

1 A. It was related to what I just said, I felt that
2 Dr. Alaei was not being provided enough information
3 and it was -- I was concerned about the meeting and
4 the chance that he had not been able to hear
5 complaints against him or address them or -- and
6 that he was being kept in the dark.

7 Q. Did you share your concerns with anybody else at
8 SUNY Albany regarding, you know, what's reflected in
9 these e-mails?

10 A. Well, Provost Stellar is my -- is my boss. I'm the
11 Vice Provost. So I would go -- and he's in charge
12 of academic affairs. I would express it to him. I
13 do not recall -- I'm sorry, the question was: Did I
14 express these --

15 Q. Did you share these types of concerns reflected in
16 this e-mail, you know, [Exhibit G-1](#), with anybody
17 else besides Provost Stellar?

18 A. I don't recall. I might have -- Yes,
19 probably -- perhaps Bill Hedberg. In fact, I do
20 recall expressing concerns to Bill Hedberg, who is
21 the -- I forgot his title. He's in the Provost
22 office, sort of a vice -- vice provost isn't an
23 exact title. I can look it up in a second, if you
24 want me to.

25 Q. Did you ever attend any meetings where issues about

DR. KEVIN WILLIAMS

17

1 Dr. Alaei and the investigation and how it was being
2 handled were discussed?

3 A. Nope.

4 Q. No? Okay.

5 Did you receive any other similar type
6 of concerns from students or people who attended
7 that meeting reflected in the student's, you know,
8 e-mail as part of G-1 here?

9 A. Again, I did not -- I do not know who attended that
10 meeting.

11 Q. Okay.

12 A. But I -- So I don't know. I had conversations with
13 other people who were also expressing concern about
14 the situation.

15 Q. Do you recall who those people were and what the
16 concerns were they were raising?

17 A. There were similar concerns, obviously, and they
18 range from some professors in the school public
19 health who worked with Dr. Alaei, and it might have
20 been other students who were in the project over the
21 years. I don't recall specifically, but I do know
22 that I had conversations with colleagues and
23 students who had worked with Kamiar.

24 Q. Are you aware of a time when SUNY Albany began to
25 initiate non-renewal efforts with Dr. Alaei?

DR. KEVIN WILLIAMS

18

1 A. Yes.

2 Q. Did you ever have occasion to speak to Dr. Alaei
3 about the non-renewal situation he was confronting
4 with SUNY Albany?

5 A. Yes.

6 Q. Do you recall about when that was?

7 A. The non-renewal would have been after the hearing
8 that cleared him, and so I'm going to -- I don't
9 recall exactly, but I would have guessed it would
10 have been later on that year.

11 Q. Is about April 2018 jogging your memory?

12 A. Oh, I thought it would have been later. The
13 non-renewal, I thought, would have been later than
14 that, but.

15 Q. When the --

16 A. I thought it would have been more like -- because if
17 I remember correctly -- No, go ahead. I'm sorry.

18 Q. No, no, no, that's fine. If I could refer you to
19 Claimant's Exhibit B-6. The first page is all.

20 So Mr. Williams -- and is it
21 Dr. Williams?

22 A. Doctor, but Mr. is fine. It doesn't matter to me.

23 Q. Okay. Well, Dr. Williams, if you could just take a
24 look at this e-mail, it's identified as an e-mail --

25 A. Okay. May 14th.

DR. KEVIN WILLIAMS

19

1 Q. -- a term renewal dated May 14th from
2 William Hedberg to Kamiar Alaei. It states, in
3 part: "The Provost has signed the form from
4 Dean Harvey Charles for non-renewal of your
5 appointment."

6 So does this refresh your recollection
7 as to about the approximate time when non-renewal
8 was initiated with Dr. Alaei?

9 A. Again, I thought it was later in the summer, but I
10 guess it was May 14th.

11 Q. Are you possibly referring to when SUNY Albany made
12 a determination to terminate employment with
13 Dr. Alaei?

14 MR. ROTONDI: Objection to form.

15 A. Yes.

16 Q. If I can refer you to Claimant's Exhibit B-8?

17 A. So the question is?

18 Q. Do you have an understanding of SUNY Albany
19 ultimately making a determination to terminate
20 employment of Dr. Alaei in about August of 2018?

21 A. Yes.

22 Q. Are you able to explain to me the difference between
23 a determination not to renew employment and a
24 determination to elect to terminate an appointment?

25 A. No.

DR. KEVIN WILLIAMS

20

1 Q. Are you familiar with the process for SUNY Albany to
2 non-renew employment terms?

3 A. Yes.

4 Q. Can you explain to me your understanding of the
5 process that you've dealt with before, have been
6 involved with before?

7 A. Yeah. So there are annual performance reviews of
8 employees against, you know, their work plan.
9 Unfavorable reviews can result in non-renewal of a
10 contract. And we work through HR to non-renew. You
11 know, we provide notice of unsatisfactory
12 performance and initiate the non-renewal process.

13 Q. Okay. In the first instance, who's the job
14 responsibility -- strike that.

15 In the first instance, what person and
16 job responsibility is responsible for initiating the
17 non-renewal process?

18 A. It would start with the supervisor.

19 Q. The supervisor of the employee that's being
20 reviewed?

21 A. Correct. But then it would have to -- Like, if it
22 was in the Graduate School and it was one of my
23 direct reports who wanted to non-renew one of their
24 employees, they would discuss with me.

25 Q. Okay.

DR. KEVIN WILLIAMS

21

1 A. But it would start with the supervisor. And then
2 the director, dean of the unit, would also push it
3 forward. I'm sorry.

4 Q. That's all right.

5 Have you ever been involved with a
6 situation where the Provost asked a supervisor to
7 initiate non-renewal?

8 A. No.

9 Q. Can I refer you to Claimant's Exhibit B Number 3?

10 And I'm referring to you the portion
11 of Exhibit B-3 where there's an e-mail dated
12 April 28th, apparently from Harvey Charles, it looks
13 like to Bill Hedberg. This e-mails says, in part:
14 "I'm looking at the letter of non-renewal and it is
15 actually a recommendation for me to the Provost. As
16 you know, I know practically nothing about this
17 situation and I feel uncomfortable making a
18 recommendation to the Provost without a basis to do
19 so. Could this be handled differently?"

20 Have you experienced a situation in
21 your time with SUNY Albany where somebody is
22 requesting that the supervisor make a recommendation
23 for non-approval and they're not comfortable making
24 that recommendation?

25 A. I'm not aware of that, no.

DR. KEVIN WILLIAMS

22

1 Yeah, the question was --

2 Q. Yeah, whether you've experienced that?

3 A. I have not experienced it and I am not aware of it.

4 Q. Okay. If I can refer you to Exhibit B-4.

5 Do you know who -- Do you know who
6 Randy Stark is or was in 2018?

7 A. Yes.

8 Q. What's your understanding?

9 A. He was Director of the HR, human resources.

10 Q. As to this Exhibit B-4, it appears to be a chain of
11 e-mails. The subject is term renewals. The e-mails
12 are dated May 2nd of 2018. They appear to be
13 between Harvey Charles, Randy Stark and then
14 William Hedberg.

15 In the middle, there's an e-mail, it's
16 identified as May 2, 2018, at 5:00 p.m.,
17 Charles Harvey. It says, in part: "Dear Randy, I'm
18 writing to let you know that Bill Hedberg sent me
19 both the HRM-3 for Kamiar, as shown in this
20 attachment, and a letter addressed to the Provost
21 from me recommending that Kamiar not be renewed. I
22 declined to sign that letter because I have no
23 information that can be used as a basis to recommend
24 that Kamiar not be renewed. I am not seeking such
25 information, since it is clear to me that the

DR. KEVIN WILLIAMS

23

1 Provost has decided to not renew Kamiar's contract."

2 At around this time, the date of May
3 2, 2018, are you aware of whether or not
4 Provost Stellar had made a determination not to
5 renew Dr. Alaei's employment at that time?

6 A. No, I'm not aware of that.

7 Q. Is that typical, in your experience, working in your
8 position, that Provost Stellar would request that a
9 supervisor pursue a non-renewal, even if the
10 supervisor had not made the recommendation?

11 A. I'm not aware of that happening.

12 Q. So you've never experienced that before?

13 A. I've never experienced that.

14 Q. If I can refer you to Exhibit B, Number 6.

15 So yes, it starts with Exhibit B-6, an
16 e-mail from William Hedberg, dated Monday, May 14,
17 2018, to Kamiar Alaei. James Stellar, Harvey
18 Charles are on there. This e-mail indicates the
19 Provost has signed the form for Dean Harvey Charles
20 for non-renewal of your appointment, provides him a
21 copy. This reflects that before a decision by the
22 President, Dr. Alaei had five working days to submit
23 a statement and response.

24 Were you aware of Dr. Alaei submitting
25 any statement in response regarding this non-renewal

DR. KEVIN WILLIAMS

24

1 issue?

2 A. Yes, I believe that was the way that he responded to
3 it.

4 Q. Dr. Williams, to the extent you can, do you
5 recognize this document in front of you identified
6 by May 8, 2018 date with the "Dear William B.
7 Hedberg" as being Dr. Alaei's response to the
8 non-renewal?

9 A. Yes.

10 Q. And did you previously review this response?

11 A. I believe I reviewed a response that had been
12 written. I don't know if this exact one, but yes.

13 Q. And the page in front of you, the main paragraph, I
14 guess it would be the second paragraph, it says, in
15 part: "Since I started working for UAlbany, I
16 have" -- and then it lists the bullet points.

17 Are you aware of what those are?

18 A. Yes.

19 Q. Can you explain to me your understanding of what
20 those are?

21 A. Yes, these are the accomplishments of
22 Professor Alaei at University of Albany. Do you
23 want me to go through each one?

24 Q. No, no. Do you have an understanding of whether
25 these would be considered significant

DR. KEVIN WILLIAMS

25

1 accomplishments or minor accomplishments or
2 irrelevant accomplishments for --

3 A. Yes.

4 Q. Sorry, let me just finish asking the question.

5 Are you aware whether these would be
6 considered significant accomplishments or
7 insignificant accomplishments for somebody in
8 Dr. Alaei's position at that time?

9 MR. ROTONDI: I'm going to object to
10 the form of the question, but you can answer.

11 A. Yes.

12 Q. When you say "yes," can you explain it?

13 A. I think you asked if I had an understanding, and
14 yes, I have an understanding.

15 Q. Okay. And what would your understanding be?

16 A. Whether they're significant -- I'll go ahead and
17 answer: They are very significant, yes, they are
18 very high accomplishments.

19 Q. Okay.

20 A. Getting six and a half million dollars in funding is
21 remarkable.

22 Q. Are you aware of other employees in similar
23 positions as Dr. Alaei at the time having or
24 achieving similar types of accomplishments, in terms
25 of funding?

DR. KEVIN WILLIAMS

26

1 A. Yes.

2 Q. Was that a common situation for employees in the
3 same position at that time, in terms of -- let
4 me -- I can re-ask.

5 A. Yeah.

6 Q. Are you aware of other employees achieving that
7 significant level of funding, as compared to
8 Dr. Alaei, shown in this document?

9 A. I am aware of some professors on campus having that
10 level, yes.

11 Q. Would most professors who have a similar funding
12 effort achieve the same type of results around that
13 time as Dr. Alaei, as reflected in this document?

14 MR. ROTONDI: Object to the form of
15 the question. Don't answer that in that form.
16 He's not here to provide opinion or
17 hypotheticals and only -- he's only produced as
18 a factual witness.

19 MR. CASTIGLIONE: Okay. Well, what
20 I'm asking is whether he is aware of other
21 employees providing -- strike that. Okay.

22 BY MR. CASTIGLIONE:

23 Q. Now, there's a paragraph here that says, in the
24 middle of this document, starts with: "With respect
25 to funding, you can also find the projected funding

DR. KEVIN WILLIAMS

27

1 required for each two faculty lines," and then it
2 continues on. It continues and says, "This means I
3 was able to reach over 21 times higher than the
4 target."

5 Would that be considered a significant
6 accomplishment for a person in Dr. Alaei's position
7 at that time?

8 MR. ROTONDI: Object to the form.

9 A. Yes.

10 Q. Are you aware of -- Is it common among UAlbany
11 faculty to have this level of achievement for
12 funding targets on an annual basis?

13 MR. ROTONDI: Object to the form of
14 the question. You can answer.

15 A. No.

16 Q. I want to talk to you about Dr. Alaei's employment
17 terms. Did you have any understanding about
18 Dr. Alaei's employment and the terms of his
19 employment with SUNY Albany?

20 A. Yes.

21 Q. Can you please explain to me your understanding?

22 A. Okay. Initially -- At any time period or during the
23 whole time?

24 Q. You can start from initially up until 2018.

25 A. Initially, he was hired as a project director for a

1 grant that we had written and submitted in 2011, I
2 believe it was. And he was paid off of that grant
3 as a, you know, project director. I don't recall
4 the specific years, but then there was a -- Well, it
5 was called a SUNY 2020 initiative in which units at
6 the University could submit proposals for funding,
7 which would include faculty lines or research lines.

8 And then I don't remember who wrote
9 the proposal. I believe Kamiar wrote it or was part
10 of the group that wrote it. The proposal was
11 funded, which provided the faculty line, the
12 research faculty line that he was hired into.
13 Again, I don't recall the exact year. 2011, '12,
14 somewhere around those lines.

15 And so he was hired with those funds.
16 The position was actually, I believe, in Rockefeller
17 College of Public Affairs and Policy. It was not a
18 tenure-track faculty line, but a -- I believe the
19 term that was used at the time, which was actually
20 sort of new to me, was an evergreen professor, an
21 evergreen faculty line, which meant that it wasn't
22 tenure track, but it was renewable.

23 And then he was -- I believe that was
24 the line that he's still on in 2018.

25 Q. If I can refer you to Claimant's Exhibit E-2?

DR. KEVIN WILLIAMS

29

1 A. Research associate professor. Okay. Go ahead.

2 Q. So Claimant's Exhibit E-2 is a letter from SUNY
3 Albany, dated April 16, 2014, to Dr. Alaei,
4 regarding an appointment. Have you seen
5 these -- Are you familiar with this specific letter,
6 I'll say?

7 A. I believe so.

8 Q. And have you seen other similar type of appointment
9 letters from SUNY Albany to faculty?

10 A. Yes.

11 Q. And I'm sorry, how long have you been working --
12 strike that.

13 Have long have you been employed with
14 SUNY Albany?

15 A. Since 1987.

16 Q. If you can scroll down, please.

17 In the second paragraph, it's the
18 paragraph that starts with "your initial
19 appointment." It says: "Your initial appointment
20 will be for three years, commencing on May 1, to
21 coincide with the end date of your current
22 employment with SUNY Research Foundation. You will
23 have a 12-month full-time obligation. The lecturer
24 budget title is a non-tenured-track position, in
25 accordance with the policies of the trustees of the

DR. KEVIN WILLIAMS

30

1 State University of New York. To give you the
2 security of at least two years of employment, the
3 appointment will be reviewed annually for possible
4 extension by another year."

5 Do you have any understanding as to
6 what that language is providing, as in terms of a
7 term for Dr. Alaei's appointment?

8 MR. ROTONDI: I'm going to object to
9 the form of the question and direct the witness
10 not to answer in that form. He's not going to
11 interpret a document he did not write and he
12 did not take part in creating.

13 MR. CASTIGLIONE: Yes, but if it's his
14 position and this is part of what he deals with
15 for employment, I think it's entirely fair to
16 ask him his opinion about this type of language
17 that he's seen many, many times.

18 MR. ROTONDI: He's not going to
19 interpret this contract.

20 MR. CASTIGLIONE: Okay. We'll note
21 that for the record.

22 BY MR. CASTIGLIONE:

23 Q. You had mentioned evergreen appointment. Can you
24 explain to me what an evergreen appointment
25 involves?

DR. KEVIN WILLIAMS

31

1 A. No.

2 Q. Have you seen other employees that are provided with
3 a security of at least two years of employment as
4 part of their employment terms?

5 A. Yes.

6 Q. In your experience, what does that mean for that
7 employee?

8 MR. ROTONDI: Object to the form. You
9 can answer.

10 A. Again, I believe that -- I mean -- Can you repeat
11 the question? I'm sorry.

12 Q. Sure. I asked if you had seen language similar to
13 the security of at least two years of employment for
14 other employees and you said yes, correct?

15 A. Correct.

16 Q. And I said okay, what does that mean in terms of
17 employment for those employees?

18 MR. ROTONDI: You're asking his
19 understanding of that?

20 Q. Yeah, based on your experience?

21 A. My understanding, based on my experience, is that if
22 the University decides to non-renew a contract, the
23 person would have two years, in essence, to find
24 another -- would be employed for two more years and
25 have that opportunity to find employment elsewhere.

DR. KEVIN WILLIAMS

32

1 Q. So if a non-renewal was approved for an
2 employer -- or excuse me, for an employee, they
3 would still have two years left on their contract?

4 A. That is my understanding.

5 Q. And if I can refer you to Claimant's Exhibit E
6 Number 4?

7 A. Okay.

8 Q. Have you had a chance, Dr. Williams, to review this
9 document?

10 A. Yes.

11 Q. Do you recognize what this document is?

12 A. Yes.

13 Q. This document is identified as being from
14 Kevin Williams, dated May 31, 2017, to, it looks
15 like, Kamiar Alaei. Can you explain to me your
16 understanding what this document is?

17 A. Yes. It is in response to a situation with
18 Dr. Alaei's brother, who was also under a similar
19 contract, and the term at the time that's used,
20 evergreen appointment. As I mentioned before, it
21 was a new term, but I recognize this is my
22 interpretation of the evergreen appointment, and I
23 add, in response to Kamiar's request for help in
24 interpreting the situation, I provided what I
25 thought was the understanding of his brother's

DR. KEVIN WILLIAMS

33

1 appointment.

2 Q. Okay. And if you recall, the appointment letter for
3 Dr. Kamiar Alaei had language that said -- if I can
4 find it -- "to give you the security of at least two
5 years of employment, the employment will be
6 renewed (sic) annually for possible extension by
7 another year." The language at issue in your
8 interpretation here, from your e-mail dated May 31,
9 2017, you have in quotes "to give you the security
10 of at least two years of employment"?

11 A. Yes, that would be -- I used quotations because that
12 was what was the wording in the letter.

13 Q. Okay. And this reflects your understanding of what
14 an evergreen appointment was; is that accurate?

15 A. Yes.

16 Q. At the end, you write: "Even if the University
17 decides not to renew the contract, Arash should have
18 two years left"?

19 A. Correct.

20 Q. I want to ask about your understanding about
21 research centers and structures with SUNY. In your
22 position, do you have an understanding of whether or
23 not GIHHR was considered a research center?

24 A. Yes.

25 Q. Do research centers report to the Vice President for

DR. KEVIN WILLIAMS

34

1 Research, James Diaz?

2 A. Not all of them.

3 Q. Okay. Was GIHHR one that would report to
4 James Diaz, if you know?

5 A. I believe initially it did, yeah.

6 Q. You had mentioned earlier that you had collaborated
7 or worked with Dr. Alaei on grants over time; is
8 that correct?

9 A. Yes.

10 Q. Okay. And did you have -- Did you formulate an
11 opinion over time about the quality of Dr. Alaei's
12 work as to the work you did together on grants?

13 A. Yes.

14 Q. Will you share your opinion with me regarding that
15 work for 2017 and 2018?

16 MR. ROTONDI: I'm going to object to
17 the form of the question and direct him not to
18 answer an opinion question in that form.

19 Joe, he's not here as an opinion
20 witness. I'm not going to let anyone, you
21 know, answer opinion questions. If you can
22 rephrase it, I won't have an issue.

23 MR. CASTIGLIONE: That's fine, but,
24 you know, he's an employee. He could have a
25 lay opinion of another employee's work quality.

DR. KEVIN WILLIAMS

35

1 BY MR. CASTIGLIONE:

2 Q. Dr. Williams, in working with Dr. Alaei, did you
3 have an opinion, based on your layperson
4 understanding and experience with other people
5 performing that type of work with grants, as to the
6 quality of Dr. Alaei's work?

7 MR. ROTONDI: I will object to the
8 form of the question, but I'll let him answer.

9 A. Yes.

10 Q. Okay. Could you please share your opinion?

11 A. I thought it was of high quality.

12 MR. CASTIGLIONE: Can we just take a
13 two-minute break so I can review and see if I
14 have any follow-up questions?

15 MR. ROTONDI: Sure.

16 (Whereupon, a recess is taken.)

17 BY MR. CASTIGLIONE:

18 Q. If I could refer you, Dr. Williams, back to Exhibit
19 E, Number 2?

20 So this would be -- I'm referring to
21 the first page right there.

22 So Dr. Williams, just to refer you
23 back to what's been marked as Claimant's Exhibit
24 E-2, this is a April 16, 2014 letter from SUNY
25 Albany to Dr. Alaei. The paragraph I want to refer

DR. KEVIN WILLIAMS

36

1 you to, it's at the bottom of the screen. It says:
2 You will start -- excuse me -- "You will have three
3 complimentary non-stipendiary appointments, in
4 addition to your three professional appointments in
5 Rockefeller College. You will continue to serve as
6 Director for the GIHHR with responsibility for
7 oversight, grant development, national outreach and
8 programming. In this role, you will report to the
9 Vice President for Research."

10 Are you aware -- or strike that.

11 Do you have any understanding of who
12 the Vice President for Research, what that's
13 referring to?

14 A. Yes.

15 Q. What's your understanding?

16 A. It's referring to Jim Diaz, who is the Vice
17 President For Research at the University at Albany.

18 Q. And then one last question: Dr. Alaei, are you
19 aware whether he was seeking employment at other
20 colleges around the time this investigation started
21 in February 2018?

22 A. No.

23 Q. So I would ask you: Were you aware of whether he
24 was selected as a finalist for a senior
25 administrative position, like Dean of York College,

DR. KEVIN WILLIAMS

37

1 right around the time the investigation started; you
2 would not be aware of that?

3 A. Dean of a college at University at Albany?

4 Q. No, Dean of York College.

5 A. Oh, York?

6 Yeah, actually, that does sound
7 familiar now, yes.

8 Q. Okay.

9 A. It might have been them contacting him.

10 Q. Right. Okay.

11 MR. CASTIGLIONE: I don't have any
12 other questions.

13 (Transcript requests are as follows.)

14 MR. CASTIGLIONE: Standard delivery,
15 E-mail only with exhibits.

16 MR. ROTONDI: E-mail my copy.

17 (Whereupon, the above-titled matter
18 was concluded at 2:40 p.m.)
19
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DR. KEVIN WILLIAMS

38

I N D E X P A G E

WITNESS:

KEVIN WILLIAMS

EXAMINATION BY MR. CASTIGLIONE

4

E X H I B I T S

(Exhibits attached.)

CLAIMANT	DESCRIPTION	PAGE
<u>EXHIBIT G-1</u>	2/14/18 E-mails	11

DR. KEVIN WILLIAMS

39

C E R T I F I C A T I O N

STATE OF NEW YORK:
COUNTY OF WARREN:

I, Deborah M. McByrne, do hereby certify that the foregoing testimony was duly sworn to; that I reported in machine shorthand the foregoing pages of the above-styled cause, and that they were prepared by computer-assisted transcription under my personal supervision and constitute a true and accurate record of the proceedings;

I further certify that I am not an attorney or counsel of any parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

WITNESS my hand in the City of Queensbury,
County of Warren, State of New York

A handwritten signature in cursive script, appearing to read 'D. McByrne', is written over a horizontal line.

DEBORAH M. McBYRNE
Court Reporter

DR. KEVIN WILLIAMS

40

DECLARATION/WITNESS CERTIFICATION

Case: Alaei v. State University of New York

Witness: Dr. Kevin Williams

Deposition Date: January 13, 2021

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

DR. KEVIN WILLIAMS

Sworn to before me, this ____ day
of _____ 20____ .

[_____](print)
Notary Public.

Registration No: _____

State of _____

Qualified in _____ County.

My commission expires _____.

DR. KEVIN WILLIAMS

41

1 DEPOSITION ERRATA SHEET

2 Case: Alaei v. State University of New York

3 Witness: Dr. Kevin Williams

4 Deposition Date: January 13, 2021

5 Reason Codes:

6 1: To clarify the record

7 2: To conform to the facts

8 3: To correct transcription errors.

9 PAGE/LINE

10 CORRECTION

11 REASON CODE

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DR. KEVIN WILLIAMS

42

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DEPOSITION ERRATA SHEET

PAGE/LINE

CORRECTION

REASON CODE

_____ Subject to the above changes, I certify
that the transcript is true and correct.

_____ No changes have been made. I certify that
the transcript is true and correct.

DR. KEVIN WILLIAMS

A	21:21;24:22;27:19; 29:3,9,14;35:25; 36:17;37:3	began (1) 17:24 beginning (1) 15:18 behalf (1) 10:16 besides (1) 16:17 best (3) 5:14;6:1;11:8 Bill (4) 16:19,20; 21:13;22:18 Board (3) 12:1,5,5 boss (1) 16:10 both (4) 5:6,11;7:6; 22:19 bottom (1) 36:1 break (2) 5:16;35:13 brother (1) 32:18 brother's (1) 32:25 budget (1) 29:24 bullet (1) 24:16	collaborated (2) 8:21; 34:6 collaborating (1) 8:25 colleagues (1) 17:22 College (5) 28:17; 36:5,25;37:3,4 colleges (1) 36:20 comfortable (1) 21:23 commencing (1) 29:20 common (2) 26:2; 27:10 communicate (2) 15:4, 16 compared (1) 26:7 complaints (1) 16:5 complimentary (1) 36:3 concern (2) 14:23; 17:13 concerned (3) 15:12, 13;16:3 concerning (11) 4:11; 7:23;8:20;9:4;10:17, 20,24;11:14;14:15, 23;15:9 concerns (10) 13:25; 15:5,7,11;16:7,15,20; 17:6,16,17 concluded (1) 37:18 conduct (1) 10:13 conducting (2) 9:18; 10:15 confronting (1) 18:3 considered (4) 24:25; 25:6;27:5;33:23 contact (2) 10:19; 13:24 contacted (2) 9:11; 14:5 contacting (1) 37:9 content (1) 6:13 continue (1) 36:5 continues (2) 27:2,2 contract (7) 20:10; 23:1;30:19;31:22; 32:3,19;33:17 conversation (5) 6:13, 14;10:2;11:2,4 conversations (5) 6:10;10:23;15:3; 17:12,22 copy (2) 23:21;37:16 CORRECTION (1) 42:2 correctly (1) 18:17 counsel (2) 5:19,23 course (1) 10:22 create (1) 5:2 creating (1) 30:12 cultural (3) 14:11,20, 24 culture (1) 15:1	current (2) 6:18;29:21 currently (1) 6:15
	Albany's (1) 9:17 allegations (1) 15:1 alleged (1) 15:8 allowed (1) 13:2 alternative (2) 11:10; 15:15 among (1) 27:10 annual (2) 20:7;27:12 annually (2) 30:3;33:6 apparently (1) 21:12 appear (1) 22:12 appears (1) 22:10 appointment (16) 19:5,24;23:20;29:4, 8,19,19;30:3,7,23,24; 32:20,22;33:1,2,14 appointments (2) 36:3,4 approved (1) 32:1 approximate (1) 19:7 April (4) 18:11;21:12; 29:3;35:24 Arash (1) 33:17 around (5) 23:2; 26:12;28:14;36:20; 37:1 assignment (2) 11:10; 15:15 associate (1) 29:1 attachment (1) 22:20 attend (2) 12:20; 16:25 attended (3) 14:2; 17:6,9 attendees (2) 13:23; 14:5 attorney (5) 4:8,17,19; 6:12,14 attorneys (1) 5:11 August (3) 10:11; 11:14;19:20 aware (21) 4:17;7:22; 10:15;17:24;21:25; 22:3;23:3,6,11,24; 24:17;25:5,22;26:6,9, 20;27:10;36:10,19, 23;37:2	C		D
	B-3 (1) 21:11 B-4 (2) 22:4,10 B-6 (2) 18:19;23:15 B-8 (1) 19:16 back (2) 35:18,23 based (3) 31:20,21; 35:3 basis (5) 9:18,24; 21:18;22:23;27:12 bathroom (1) 5:17	call (1) 9:7 called (2) 4:2;28:5 campus (1) 26:9 can (44) 5:5,8,15,22; 6:4,12,15;7:2,8;14; 9:7,21;11:15,19,19; 14:7;15:24;16:23; 19:16;20:4,9;21:9; 22:4,23;23:14;24:4, 19;25:10,12;26:4,25; 27:14,21,24;28:25; 29:16;30:23;31:9,10; 32:5,15;33:3;34:21; 35:12,13 CASTIGLIONE (13) 4:6,8;26:19,22; 30:13,20,22;34:23; 35:1,12,17;37:11,14 center (1) 33:23 centers (2) 33:21,25 certainly (2) 5:16;14:6 certify (2) 42:19,21 chain (2) 15:20;22:10 chance (2) 16:4;32:8 changes (2) 42:19,21 charge (1) 16:11 Charles (6) 19:4; 21:12;22:13,17; 23:18,19 Claimant (1) 11:22 Claimant's (8) 7:14; 18:19;19:16;21:9; 28:25;29:2;32:5; 35:23 claims (2) 4:10,13 clarification (4) 9:12; 11:3,4,6 clear (3) 5:3;8:1; 22:25 cleared (1) 18:8 clearly (1) 12:8 CODE (1) 42:2 coincide (1) 29:21		dark (1) 16:6 date (3) 23:2;24:6; 29:21 dated (10) 7:19; 12:10;15:21;19:1; 21:11;22:12;23:16; 29:3;32:14;33:8 dates (1) 10:1 days (1) 23:22 deals (1) 30:14 dealt (1) 20:5 Dean (8) 6:19;7:3; 19:4;21:2;23:19; 36:25;37:3,4 Dear (2) 22:17;24:6 decided (1) 23:1 decides (2) 31:22; 33:17 decision (1) 23:21 decision-making (1) 7:7 declined (1) 22:22 defend (2) 13:3,20 delivery (1) 37:14 deposition (2) 6:8; 42:1 determination (5) 19:12,19,23,24;23:4 development (2) 7:9; 36:7 Diaz (3) 34:1,4;36:16 difference (1) 19:22 differently (1) 21:19 direct (3) 20:23;30:9; 34:17 direction (1) 12:7 director (5) 21:2;22:9; 27:25;28:3;36:6 Directors (2) 12:1,5 directs (1) 4:23 discuss (2) 12:18; 20:24 discussed (1) 17:2 discussions (5) 13:6, 13,24;14:13,21 Doctor (1) 18:22 document (11) 7:18, 21;24:5;26:8,13,24; 30:11;32:9,11,13,16 documents (1) 6:7 dollars (1) 25:20 down (4) 12:15,25; 14:7;29:16 DR (48) 4:1;7:23; 8:19,21;9:5,19;10:17, 24;13:2,21;15:9;16:2; 17:1,19,25;18:2,21, 23;19:8,13,20;23:5,

22,24;24:4,7;25:8,23; 26:8,13;27:6,16,18; 29:3;30:7;32:8,18; 33:3;34:7,11;35:2,2, 6,18,22,25;36:18; 42:25 duly (1) 4:3 during (2) 12:6;27:22 dynamic (3) 14:12,21; 15:1 dynamics (1) 14:25	examined (1) 4:3 excuse (2) 32:2;36:2 Exhibit (19) 7:14; 11:21,22;12:9;15:18; 16:16;18:19;19:16; 21:9,11;22:4,10; 23:14,15;28:25;29:2; 32:5;35:18,23 exhibits (1) 37:15 experience (5) 23:7; 31:6,20,21;35:4 experienced (5) 21:20;22:2,3;23:12, 13 explain (10) 7:2;9:21; 15:24;19:22;20:4; 24:19;25:12;27:21; 30:24;32:15 explained (1) 11:16 express (2) 16:12,14 expressing (2) 16:20; 17:13 extension (2) 30:4; 33:6 extent (1) 24:4	formulate (1) 34:10 forward (1) 21:3 Foundation (1) 29:22 Friday (2) 12:17; 14:16 front (2) 24:5,13 full-time (1) 29:23 funded (1) 28:11 funding (8) 25:20,25; 26:7,11,25,25;27:12; 28:6 funds (1) 28:15 further (1) 13:6	Human (2) 8:9;22:9 hypotheticals (1) 26:17 I identification (1) 11:23 identified (5) 10:25; 18:24;22:16;24:5; 32:13 identify (2) 6:15;11:20 implicit (2) 14:11,20 implicitly (2) 13:5,22 include (2) 6:11;28:7 included (1) 5:10 indicates (1) 23:18 individual (1) 12:11 inform (1) 9:16 information (7) 4:15; 10:7,20;11:13;16:2; 22:23,25 informed (1) 15:13 initial (2) 29:18,19 Initially (4) 27:22,24, 25;34:5 initiate (3) 17:25; 20:12;21:7 initiated (1) 19:8 initiating (1) 20:16 initiative (1) 28:5 input (1) 10:20 insignificant (1) 25:7 instance (2) 20:13,15 Institute (1) 8:9 interest (1) 8:25 interpose (1) 4:18 interpret (2) 30:11,19 interpretation (2) 32:22;33:8 interpreting (1) 32:24 into (1) 28:12 investigation (15) 7:23;9:4,6,18;10:3,8, 11,16,20,24;11:14; 15:9;17:1;36:20;37:1 invited (2) 12:22,23 involved (3) 10:18; 20:6;21:5 involvement (1) 11:12 involves (1) 30:25 involving (1) 4:10 irrelevant (1) 25:2 issue (5) 9:16;14:19; 24:1;33:7;34:22 issues (6) 4:13;13:14; 14:14,22,22;16:25	Joe (2) 4:8;34:19 jogging (1) 18:11 K Kamiar (17) 4:9;8:19; 9:7,9,15;11:2,9; 15:13;17:23;19:2; 22:19,21,24;23:17; 28:9;32:15;33:3 Kamiar's (2) 23:1; 32:23 kept (1) 16:6 KEVIN (4) 4:1;6:6; 32:14;42:25 kind (1) 7:15 knew (1) 10:18 knowledge (1) 4:15 L language (7) 13:19; 14:10;30:6,16;31:12; 33:3,7 last (3) 12:11;14:9; 36:18 later (4) 18:10,12,13; 19:9 law (1) 4:8 lay (1) 34:25 layperson (1) 35:3 leadership (3) 7:5; 12:17,18 learn (2) 9:5,17 least (5) 30:2;31:3,13; 33:4,10 lecturer (1) 29:23 left (2) 32:3;33:18 letter (12) 7:19;9:10, 15,24;21:14;22:20, 22;29:2,5;33:2,12; 35:24 letters (1) 29:9 level (3) 26:7,10; 27:11 line (5) 28:11,12,18, 21,24 lines (4) 27:1;28:7,7, 14 lists (1) 24:16 long (3) 6:22;29:11, 13 look (3) 11:20;16:23; 18:24 looking (2) 11:3;21:14 looks (3) 15:20;21:12; 32:14 M main (2) 12:25;24:13 makes (1) 4:21 making (3) 19:19;
E E-2 (3) 28:25;29:2; 35:24 earlier (1) 34:6 effort (1) 26:12 efforts (1) 17:25 elect (1) 19:24 else (6) 11:12;14:14, 22;15:2;16:7,17 elsewhere (1) 31:25 e-mail (26) 11:24; 12:10,13,15,16;13:15, 15,17;14:7;15:4,6,18, 20,21,25;16:16;17:8; 18:24,24;21:11; 22:15;23:16,18;33:8; 37:15,16 e-mails (5) 12:4;16:9; 21:13;22:11,11 employed (3) 6:16; 29:13;31:24 employee (4) 20:19; 31:7;32:2;34:24 employees (9) 20:8, 24;25:22;26:2,6,21; 31:2,14,17 employee's (1) 34:25 employer (1) 32:2 employment (25) 4:11;6:18;8:11,15, 20;19:12,20,23;20:2; 23:5;27:16,18,19; 29:22;30:2,15;31:3,4, 13,17,25;33:5,5,10; 36:19 end (3) 14:7;29:21; 33:16 enough (1) 16:2 entirely (2) 5:4;30:15 ERRATA (1) 42:1 essence (1) 31:23 even (2) 23:9;33:16 evergreen (7) 28:20, 21;30:23,24;32:20, 22;33:14 exact (5) 7:20;10:1; 16:23;24:12;28:13 exactly (1) 18:9 EXAMINATION (1) 4:5	F fact (2) 10:18;16:19 factual (1) 26:18 faculty (8) 27:1,11; 28:7,11,12,18,21;29:9 fair (3) 8:3,4;30:15 familiar (5) 7:18; 12:18;20:1;29:5;37:7 February (7) 7:19; 10:11;11:13;12:10; 14:16;15:22;36:21 feel (2) 14:11;21:17 felt (1) 16:1 finalist (1) 36:24 find (4) 26:25;31:23, 25;33:4 fine (5) 5:20;8:7; 18:18,22;34:23 finish (1) 25:4 firm (1) 4:8 first (11) 4:2;5:4,22; 7:16,25;9:5,22;18:19; 20:13,15;35:21 firstly (1) 11:25 five (1) 23:22 follow (1) 14:18 follows (2) 4:4;37:13 follow-up (2) 13:13; 35:14 forgot (1) 16:21 form (15) 4:20;19:3, 14;23:19;25:10; 26:14,15;27:8,13; 30:9,10;31:8;34:17, 18;35:8 former (1) 13:7	G G-1 (7) 11:21,22; 12:9;15:18,20;16:16; 17:8 general (1) 7:5 GIHHR (10) 8:8,13, 17;12:1,5,7,18;33:23; 34:3;36:6 given (1) 15:14 glass (1) 5:17 Global (1) 8:8 Good (1) 4:7 Graduate (6) 6:19; 7:3,5;13:9,10;20:22 grant (3) 28:1,2;36:7 grants (5) 8:22,25; 34:7,12;35:5 group (1) 28:10 guess (2) 19:10;24:14 guessed (1) 18:9 guidance (1) 9:11 H half (1) 25:20 handled (2) 17:2; 21:19 happening (1) 23:11 Harvey (6) 19:4; 21:12;22:13,17; 23:17,19 Health (2) 8:9;17:19 hear (1) 16:4 heard (1) 12:20 hearing (1) 18:7 Hedberg (8) 16:19,20; 19:2;21:13;22:14,18; 23:16;24:7 held (2) 6:22,25 help (1) 32:23 high (2) 25:18;35:11 higher (1) 27:3 himself (2) 13:3,20 hired (3) 27:25;28:12, 15 HR (4) 9:14;10:18; 20:10;22:9 HRM-3 (1) 22:19	J James (5) 10:6;15:21; 23:17;34:1,4 Jim (1) 36:16 job (2) 20:13,16	

21:17,23 many (2) 30:17,17 mark (1) 11:21 marked (3) 7:13; 11:22;35:23 matter (2) 18:22; 37:17 May (11) 18:25;19:1, 10:22;12:16;23:2,16; 24:6;29:20;32:14; 33:8 mean (4) 11:7;31:6, 10:16 meaning (1) 5:9 means (1) 27:2 meant (1) 28:21 meeting (14) 8:23; 12:16,19,20;13:3,24; 14:2,16,23,24;15:7; 16:3;17:7,10 meetings (1) 16:25 memory (1) 18:11 mentioned (5) 10:3; 15:12;30:23;32:20; 34:6 message (2) 9:9,13 middle (2) 22:15; 26:24 might (7) 4:15,18; 9:14;11:1;16:18; 17:19;37:9 million (1) 25:20 minor (1) 25:1 Monday (1) 23:16 more (2) 18:16;31:24 moreover (1) 13:1 most (1) 26:11	23:14;32:6;35:19 O oath (1) 5:1 object (8) 25:9;26:14; 27:8,13;30:8;31:8; 34:16;35:7 objection (5) 4:21,22; 5:7,8;19:14 objections (1) 4:18 objects (1) 4:19 obligation (1) 29:23 Obviously (3) 13:2,17; 17:17 occasion (1) 18:2 occurred (2) 12:16; 15:8 off (3) 5:12,22;28:2 office (1) 16:22 official (1) 5:11 one (8) 11:1;14:10; 20:22,23;24:12,23; 34:3;36:18 only (3) 26:17,17; 37:15 operations (2) 8:13,17 opinion (10) 26:16; 30:16;34:11,14,18,19, 21,25;35:3,10 opportunity (1) 31:25 organized (1) 12:17 otherwise (1) 4:23 out (1) 5:10 outreach (1) 36:7 outside (1) 10:18 Over (5) 10:22;17:20; 27:3;34:7,11 oversight (4) 7:7;8:13, 16;36:7	performing (1) 35:5 perhaps (1) 16:19 period (1) 27:22 person (4) 13:14; 20:15;27:6;31:23 personnel (1) 12:5 place (2) 14:12,21 plan (1) 20:8 please (7) 5:13; 11:20;14:8;15:18; 27:21;29:16;35:10 pm (2) 22:16;37:18 point (1) 11:2 points (1) 24:16 policies (2) 7:7;29:25 Policy (1) 28:17 portion (2) 15:19; 21:10 pose (1) 5:21 position (15) 6:18,22, 24,25;8:11,15;23:8; 25:8;26:3;27:6; 28:16;29:24;30:14; 33:22;36:25 positions (1) 25:23 possible (3) 4:12; 30:3;33:6 possibly (1) 19:11 P-O-U-R-T-A-H-E-R (1) 12:12 practically (1) 21:16 preparation (2) 6:8,11 preserve (1) 4:19 President (5) 23:22; 33:25;36:9,12,17 previously (2) 7:13; 24:10 probably (2) 13:16; 16:19 probe (1) 4:14 problem (1) 5:18 procedures (1) 7:8 process (4) 20:1,5,12, 17 produced (1) 26:17 professional (1) 36:4 Professor (5) 6:20,25; 24:22;28:20;29:1 professors (3) 17:18; 26:9,11 program (1) 7:8 programming (1) 36:8 programs (2) 7:6;9:1 project (3) 17:20; 27:25;28:3 projected (3) 13:5,22; 26:25 proposal (2) 28:9,10 proposals (1) 28:6 provide (3) 7:5;20:11; 26:16 provided (5) 11:5; 16:2;28:11;31:2;	32:24 provides (1) 23:20 providing (2) 26:21; 30:6 Provost (20) 6:19;7:3; 10:2,2,5,23;16:10,11, 17,21,22;19:3;21:6, 15,18;22:20;23:1,4,8, 19 Psychology (1) 6:21 public (2) 17:18;28:17 purpose (1) 15:24 pursue (1) 23:9 push (1) 21:2 put (1) 7:15 Q quality (4) 34:11,25; 35:6,11 quotations (1) 33:11 quotes (1) 33:9 R racial (4) 14:12,20,24; 15:1 raised (2) 14:14,23 raises (1) 14:19 raising (3) 13:14; 14:15;17:16 Randy (3) 22:6,13,17 range (1) 27:18 reach (1) 27:3 re-ask (1) 26:4 reason (2) 5:24;42:2 recall (21) 7:20;11:8, 17;12:4,12;13:16,18; 14:1,1;15:2,2;16:13, 18,20;17:15,21;18:6, 9;28:3,13;33:2 receive (1) 17:5 received (3) 9:9,10; 13:15 receiving (4) 12:4,12; 15:4,6 recess (1) 35:16 recognize (4) 15:19; 24:5;32:11,21 recollection (1) 19:6 recommend (1) 22:23 recommendation (5) 21:15,18,22,24;23:10 recommending (1) 22:21 record (7) 4:19;5:9, 12,22;6:5;8:1;30:21 refer (13) 8:1,8;12:10; 18:18;19:16;21:9; 22:4;23:14;28:25; 32:5;35:18,22,25 referred (1) 13:19 referring (10) 8:2,8;	12:19;13:20;14:16; 19:11;21:10;35:20; 36:13,16 refers (1) 12:16 reflected (4) 16:8,15; 17:7;26:13 reflects (2) 23:21; 33:13 refresh (1) 19:6 regarding (10) 4:10; 9:19;12:6,6;13:14; 15:7;16:8;23:25; 29:4;34:14 registrations (1) 7:8 related (1) 16:1 relevant (1) 4:13 remarkable (1) 25:21 remember (4) 11:8, 24;18:17;28:8 renew (4) 19:23;23:1, 5;33:17 renewable (1) 28:22 renewal (1) 19:1 renewals (1) 22:11 renewed (3) 22:21,24; 33:6 repeat (3) 8:14;11:15; 31:10 rephrase (2) 5:15; 34:22 replied (1) 13:17 report (4) 9:14;33:25; 34:3;36:8 reports (1) 20:23 represent (1) 4:9 request (2) 23:8; 32:23 requesting (1) 21:22 requests (1) 37:13 required (2) 4:20;27:1 research (12) 8:21; 28:7,12;29:1,22; 33:21,23,25;34:1; 36:9,12,17 Resources (2) 8:9; 22:9 respect (1) 26:24 respective (1) 8:25 respond (5) 5:5,13,21, 25,25 responded (1) 24:2 response (7) 23:23, 25;24:7,10,11;32:17, 23 responsibilities (3) 7:2,10;8:16 responsibility (4) 8:12; 20:14,16;36:6 responsible (1) 20:16 result (1) 20:9 results (1) 26:12 review (4) 6:7;24:10; 32:8;35:13
N name (3) 4:7;6:4; 12:11 national (1) 36:7 need (3) 4:24;5:16,19 New (5) 4:10;8:2; 28:20;30:1;32:21 non-approval (1) 21:23 non-renew (4) 20:2, 10,23;31:22 non-renewal (16) 17:25;18:3,7,13; 19:4,7;20:9,12,17; 21:7,14;23:9,20,25; 24:8;32:1 non-stipendiary (1) 36:3 non-tenured-track (1) 29:24 Nope (1) 17:3 note (1) 30:20 notice (2) 9:10;20:11 Number (4) 21:9;	P page (4) 12:15;18:19; 24:13;35:21 PAGE/LINE (1) 42:2 pages (1) 7:16 paid (1) 28:2 paragraph (8) 12:25; 14:9;24:13,14;26:23; 29:17,18;35:25 part (14) 5:10;13:2, 19;14:10;15:20;17:8; 19:3;21:13;22:17; 24:15;28:9;30:12,14; 31:4 participate (1) 10:10 particular (1) 14:5 parts (1) 13:1 people (5) 14:6;17:6, 13,15;35:4 performance (2) 20:7, 12			

reviewed (3) 20:20; 24:11;30:3 reviews (2) 20:7,9 right (4) 21:4;35:21; 37:1,10 Rockefeller (2) 28:16; 36:5 role (2) 10:10;36:8 ROTONDI (13) 19:14; 25:9;26:14;27:8,13; 30:8,18;31:8,18; 34:16;35:7,15;37:16	29:11;31:11 sort (2) 16:22;28:20 sound (1) 37:6 speak (1) 18:2 specific (3) 15:3;28:4; 29:5 specifically (1) 17:21 Standard (1) 37:14 Stark (2) 22:6,13 start (4) 20:18;21:1; 27:24;36:2 started (3) 24:15; 36:20;37:1 starts (4) 12:25;23:15; 26:24;29:18 State (4) 4:10;6:4;8:2; 30:1 statement (2) 23:23, 25 states (1) 19:2 Stellar (9) 10:6,23; 15:21,25;16:10,17; 23:4,8,17 stenographer (3) 5:1; 7:14;11:20 still (6) 4:20,24;8:22, 23;28:24;32:3 stopped (1) 10:2 strategic (1) 7:6 strike (10) 10:13,14; 11:17,18;15:5,16; 20:14;26:21;29:12; 36:10 strong (2) 14:11,20 structures (1) 33:21 student (8) 12:19; 13:7,8,9,9,10;14:15, 19 students (3) 17:6,20, 23 student's (1) 17:7 subject (2) 22:11; 42:19 submit (2) 23:22;28:6 submitted (1) 28:1 submitting (1) 23:24 subsequent (1) 13:18 summer (1) 19:9 SUNY (26) 4:11;7:19, 22;8:1,1,11;9:1,4,17; 10:16;12:4;16:8; 17:24;18:4;19:11,18; 20:1;21:21;27:19; 28:5;29:2,9,14,22; 33:21;35:24 supervisor (7) 20:18, 19;21:1,6,22;23:9,10 Sure (10) 8:15;9:9,15; 11:16;12:2,3;14:18, 19;31:12;35:15 swear (1) 5:1 sworn (1) 4:3	T talk (3) 5:19,22;27:16 talked (2) 9:13;11:1 talking (2) 5:2,6 target (1) 27:4 targets (1) 27:12 technically (1) 8:4 tenure (1) 28:22 tenure-track (1) 28:18 term (6) 19:1;22:11; 28:19;30:7;32:19,21 terminate (3) 19:12, 19,24 terms (8) 20:2;25:24; 26:3;27:17,18;30:6; 31:4,16 testified (2) 4:3;11:11 thought (6) 18:12,13, 16;19:9;32:25;35:11 three (3) 29:20;36:2,4 times (2) 27:3;30:17 title (3) 16:21,23; 29:24 today (4) 4:12;6:1,11; 7:11 today's (1) 6:8 together (2) 8:24; 34:12 track (1) 28:22 transcript (5) 5:2,11; 37:13;42:20,22 transpiring (1) 15:8 true (2) 42:20,22 trustees (1) 29:25 truthfully (1) 5:25 try (1) 4:14 two (11) 7:16;27:1; 30:2;31:3,13,23,24; 32:3;33:4,10,18 two-minute (1) 35:13 type (6) 5:6;17:5; 26:12;29:8;30:16; 35:5 typed (1) 5:10 types (2) 16:15;25:24 typical (1) 23:7	units (1) 28:5 University (14) 6:20, 21;7:6;8:2,4,6;12:17; 24:22;28:6;30:1; 31:22;33:16;36:17; 37:3 Unless (2) 4:23;5:11 unsatisfactory (1) 20:11 up (4) 7:15;15:17; 16:23;27:24 used (5) 8:7;22:23; 28:19;32:19;33:11	28:4;29:20;30:2;31:3, 13,23,24;32:3;33:5, 10,18 Yep (2) 8:10;11:24 York (6) 4:11;8:3; 30:1;36:25;37:4,5 Young/Sommer (1) 4:9
S		V vaguely (2) 13:4,22 Vice (9) 6:19;7:3; 16:11,22,22;33:25; 36:9,12,16 vis-à-vis (2) 13:4,21	1 1 (1) 29:20 12 (1) 28:13 12-month (1) 29:23 14 (3) 12:10;15:22; 23:16 14th (3) 18:25;19:1, 10 16 (2) 29:3;35:24 17 (1) 8:23 18 (1) 8:23 1987 (2) 7:1;29:15	
same (5) 5:6;6:24; 7:10;26:3,12 saying (1) 11:6 School (4) 6:19;7:3; 17:18;20:22 screen (2) 7:15;36:1 scroll (6) 7:16;12:15, 25;14:7;15:17;29:16 second (3) 16:23; 24:14;29:17 security (5) 30:2;31:3, 13;33:4,9 seeing (1) 7:20 seeking (2) 22:24; 36:19 selected (1) 36:24 sending (1) 15:24 senior (1) 36:24 sent (1) 22:18 serve (1) 36:5 share (5) 10:7;16:7, 15;34:14;35:10 sharing (1) 13:25 SHEET (1) 42:1 show (2) 7:13;11:19 shown (2) 22:19;26:8 sic (1) 33:6 sign (1) 22:22 signed (2) 19:3;23:19 significant (6) 24:25; 25:6,16,17;26:7;27:5 similar (12) 13:25; 14:14,22,22;17:5,17; 25:22,24;26:11;29:8; 31:12;32:18 simply (1) 5:5 situation (9) 4:16; 17:14;18:3;21:6,17, 20;26:2;32:17,24 six (1) 25:20 slowly (1) 7:15 solicit (2) 10:19;11:13 somebody (2) 21:21; 25:7 somewhere (1) 28:14 sorry (10) 6:4;9:13; 13:11,13;16:13; 18:17;21:3;25:4;		W wait (1) 4:22 water (1) 5:17 way (2) 7:1;24:2 whatnot (1) 5:17 What's (6) 6:18;7:13; 16:8;22:8;35:23; 36:15 Whereupon (2) 35:16; 37:17 whole (1) 27:23 who's (1) 20:13 William (4) 19:2; 22:14;23:16;24:6 WILLIAMS (14) 4:1,7; 6:6,7;18:20,21,23; 24:4;32:8,14;35:2,18, 22;42:25 without (1) 21:18 witness (5) 4:2,13; 26:18;30:9;34:20 wording (1) 33:12 words (1) 8:24 work (10) 8:19;15:15; 20:8,10;34:12,12,15, 25;35:5,6 worked (4) 8:24; 17:19,23;34:7 working (6) 9:1;23:7, 22;24:15;29:11;35:2 write (2) 30:11;33:16 writing (1) 22:18 written (2) 24:12;28:1 wrote (3) 28:8,9,10	2 2 (4) 12:15;22:16; 23:3;35:19 2:40 (1) 37:18 2010 (1) 6:23 2011 (2) 28:1,13 2014 (2) 29:3;35:24 2017 (4) 8:20;32:14; 33:9;34:15 2018 (31) 6:24;7:11, 19,23;8:12,15,16,20; 9:5,19;10:11,11,17; 11:13,14;12:1,10; 14:17;15:22;18:11; 19:20;22:6,12,16; 23:3,17;24:6;27:24; 28:24;34:15;36:21 2020 (1) 28:5 21 (1) 27:3 28th (1) 21:12 2nd (1) 22:12	
		Y year (4) 18:10;28:13; 30:4;33:7 years (12) 17:21;	3 3 (1) 21:9 31 (2) 32:14;33:8	
		U UA l bany (2) 24:15; 27:10 ultimately (1) 19:19 uncomfortable (1) 21:17 under (2) 5:1;32:18 underlined (1) 13:1 underlying (2) 9:18; 14:10 undertaking (1) 7:22 Unfavorable (1) 20:9 unit (1) 21:2	4 4 (1) 32:6	
			5 5:00 (1) 22:16	
			6 6 (1) 23:14	

